

UNITED STATE DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

x

BANJAMIN M. LAWSKY, Superintendent
of Financial Services of the State of New York,

Plaintiff,

-against-

14 Civ. 2863 (CM)

CONDOR CAPITAL CORPORATION and
STEPHEN BARON,

Defendants.

x

ORDER CONDITIONALLY GRANTING EMERGENCY MOTION BY WELLS FARGO
BANK N.A. FOR LEAVE TO INTERVENE AS OF RIGHT OR BY PERMISSION

McMahon, J.:

While there has not yet been any response to the emergency motion filed last Friday by Wells Fargo Bank. N.A. on behalf of Defendant Condor Capital Corporations' lenders for leave to intervene -- either as of right or by permission of the court -- I cannot imagine a single argument that would dissuade this court from denying Wells Fargo's motion on either theory. In view of the pendency of the preliminary injunction hearing, the motion is granted conditionally. If either plaintiff or defendants object to the lenders' appearance in this action, they should explain why the conditional grant of the motion ought to be reversed.

Indeed, based on the rather unconvincing brief that was filed last week on behalf of defendants -- which does not address a single factual allegation made by the Superintendent in his moving papers -- it may well be that the real dispute here is between the Superintendent and Condor's lenders. Accordingly, both Wells Fargo and the Superintendent need to file papers by 5 PM this Thursday, May 8, explaining their positions *vis a vis* each other. In particular, the Superintendent needs to address how the proposed preliminary injunctive relief will affect the lenders and what if anything he proposes to do to protect their interests -- or why those interests are subordinate as a matter of law to the interests the Superintendent is trying to protect.

The caption of this case is hereby amended to read as follows:

UNITED STATE DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

_____X

BANJAMIN M. LAWSKY, Superintendent
of Financial Services of the State of New York,

Plaintiff,

-against-

14 Civ. 2863 (CM)

CONDOR CAPITAL CORPORATION and
STEPHEN BARON,

Defendants,

-and-

WELLS FARGO BANK, N.A., as Agent for
Certain Financial Institutions as Lenders,

Intervenor.

_____X

The Clerk of the Court shall add Wells Fargo as a party, and Blank Rome LLP (Harris N. Cogan and Michelle Gitlitz Courtney, of counsel), to the docket .

This constitutes the decision and order of the court.

Dated: May 6, 2014

A handwritten signature in black ink, appearing to be "Cole H. H.", written over a horizontal line.

U.S.D.J.

BY ECF TO ALL COUNSEL